

**FILED**

DEC 06 2007

**Board of Vocational Nursing  
and Psychiatric Technicians**

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7  
8 **BEFORE THE**  
9 **BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. VN-2005-2207

13 SHEILAH SCRUTCHINS  
2040 S. Ridgeley Drive, Apt. 204  
Los Angeles, CA 90016

**A C C U S A T I O N**

14 Vocational Nurse License No. VN 204753

15 Respondent.

16  
17 Complainant alleges:

18 **PARTIES**

19 1. Teresa Bello-Jones, J.D., M.S.N., R.N. (Complainant) brings this  
20 Accusation solely in her official capacity as the Executive Officer of the Board of Vocational  
21 Nursing and Psychiatric Technicians (Board), Department of Consumer Affairs.

22 2. On or about June 13, 2003, the Board issued Vocational Nurse License  
23 No. VN 204753 to Sheilah Scrutchins (Respondent). The Vocational Nurse License was in full  
24 force and effect at all times relevant to the charges brought herein, expired on November 30,  
25 2006, and has not been renewed.

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## JURISDICTION

3. This Accusation is brought before the Board, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

## STATUTORY PROVISIONS

4. Section 2875 of the Business and Professions Code (Code) provides, in pertinent part, that the Board may discipline the holder of a vocational nurse license for any reason provided in Article 3 (commencing with section 2875) of the Vocational Nursing Practice Act.

5. Section 118(b) of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated. Under section 2892.1 of the Code, the Board may renew an expired license at any time within four years after the expiration.

6. Section 2878 of the Code states:

"The Board may suspend or revoke a license issued under this chapter [the Vocational Nursing Practice Act (Bus. & Prof. Code, 2840, et seq.)] for any of the following:

"(a) Unprofessional conduct, which includes, but is not limited to, the following:

....

"(d) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violating of, or conspiring to violate any provision or term of this chapter.

....

"(f) Conviction of a crime substantially related to the qualifications, functions, and duties of a licensed vocational nurse, in which event the record of the conviction shall be conclusive evidence of the conviction.

....

"(j) The commission of any act involving dishonesty, when that action is related to the duties and functions of the licensee."



1           7.       Section 490 of the Code provides, in pertinent part, that the Board may  
2 suspend or revoke a license when it finds that the licensee has been convicted of a crime  
3 substantially related to the qualifications, functions or duties of a licensed vocational nurse.

4           8.       California Code of Regulations, title 16, section 2521, states:

5           “For the purposes of denial, suspension, or revocation of a license pursuant to  
6 Division 1.5 (commencing with Section 475) of the Business and Professions Code, a crime or  
7 act shall be considered to be substantially related to the qualifications, functions or duties of a  
8 licensed vocational nurse if to a substantial degree it evidences present or potential unfitness of a  
9 licensed vocational nurse to perform the functions authorized by his license in a manner  
10 consistent with the public health, safety, or welfare.”

11           9.       Section 125.3 of the Code provides, in pertinent part, that the Board may  
12 request the administrative law judge to direct a licensee found to have committed a violation or  
13 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation  
14 and enforcement of the case.

15                               FIRST CAUSE FOR DISCIPLINE

16                               (Conviction of a Substantially Related Crime)

17           10.       Respondent is subject to disciplinary action under section 2878,  
18 subdivision (f) and 490 of the Code, as defined in California Code of Regulations, title 16,  
19 section 2521, in that Respondent has been convicted of a crime substantially related to the  
20 qualifications, functions or duties of a licensed vocational nurse, as follows:

21           a.       On or about June 2, 2006, Respondent was convicted by the Court on a  
22 guilty plea for violating one count of Penal Code section 666, a felony (petty theft with a prior  
23 jail term), in the Superior Court of California, County of Los Angeles, Van Nuys Judicial  
24 District, Case No. LA052421 entitled *The People of the State of California v. Sheilah Diane*  
25 *Scrutchins*.

26           b.       The circumstances surrounding the conviction are that on or about  
27 May 12, 2006, Respondent, while at Gelson's Market, in Valley Village, CA, was observed by an

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1 assistant manager, placing 4 bottles of alcohol in an empty duffel bag, and walking out of the  
2 market, without any attempt to purchase the store items.

3 SECOND CAUSE FOR DISCIPLINE

4 (Dishonest Act)

5 11. Respondent is subject to disciplinary action under section 2878,  
6 subdivisions (a) and (j) of the Code, on the grounds of unprofessional conduct, in that on or  
7 about May 12, 2006, Respondent committed a dishonest act, as more fully set forth above in  
8 paragraph 10.

9 THIRD CAUSE FOR DISCIPLINE

10 (Unprofessional Conduct)

11 12. Respondent is subject to disciplinary action under section 2878,  
12 subdivisions (a) and (d) of the Code, on the grounds of unprofessional conduct, in that on or  
13 about May 12, 2006, Respondents committed an act which constitute unprofessional conduct, as  
14 more fully set forth above in paragraph 10.

15 OTHER MATTERS

16 13. In order to determine the degree of discipline, if any, to be imposed on  
17 Respondent, Complainant alleges the following:

18 a. On or about May 1, 2001, Respondent was convicted by the Court on a  
19 plea of nolo contendere for violating one count of Penal Code section 484, subdivision (a), a  
20 misdemeanor (theft of property), in the Superior Court of California, County of Los Angeles,  
21 Central Arraignment Judicial District, Case No. 1CR07578 entitled *The People of the State of*  
22 *California v. Sheilah Diane Scrutchins*.

23 b. The circumstances surrounding the conviction are that on or about April  
24 29, 2001, Respondent, while at Food for Less, in Los Angeles, CA, was observed by a store  
25 employee, placing unpaid store merchandise into her bag, and walking out of the store, without  
26 attempting to purchase the store items.

27 c. On or about April 18, 2001, Respondent was convicted by the Court on a  
28 plea of nolo contendere for violating one count of Penal Code section 484, subdivision (a), a

1 misdemeanor (theft of property), in the Superior Court of California, County of Los Angeles,  
2 Central Arraignment Judicial District, Case No. 1CR07214 entitled *The People of the State of*  
3 *California v. Sheilah Diane Scrutchins*.

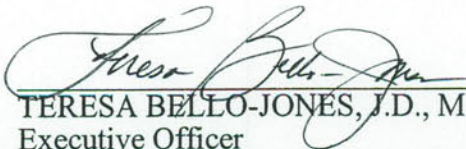
4 d. The circumstances surrounding the conviction are that on or about April  
5 16, 2001, Respondent, while at Rite-Aid, in Los Angeles, CA, was observed by a security guard,  
6 placing unpaid store merchandise into a large bag, and walking out of the store, without  
7 attempting to purchase the store items.

8 PRAYER

9 WHEREFORE, Complainant requests that a hearing be held on the matters herein  
10 alleged, and that following the hearing, the Board issue a decision:

- 11 1. Revoking or suspending Vocational Nurse License No. VN 204753, issued  
12 to Sheilah Scrutchins;  
13 2. Ordering Sheilah Scrutchins to pay the Board the reasonable costs of the  
14 investigation and enforcement of this case, pursuant to Business and Professions Code section  
15 125.3; 3. Taking such other and further action as deemed necessary and proper.

16  
17 DATED: December 6, 2007.

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20

21 TERESA BELLO-JONES, J.D., M.S.N., R.N.  
22 Executive Officer  
23 Board of Vocational Nursing and Psychiatric Technicians  
24 State of California  
25 Complainant

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